

### REMARKS

Claims 1-84 are pending in the present application. No claims have been added, amended, or canceled herein, accordingly, following the entry of the present paper claims 1-84 will be pending in the instant application. Reconsideration of the instant application is respectfully requested in view of the following remarks.

#### The 35 U.S.C. § 103 rejections

The Examiner has rejected claims 1-3, 5-17, 20-29, 31, 34-39, 43-61, 65-68, 71-75, and 79-84 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,640,452 to Murphy (hereinafter referred to as "Murphy") in view of Japanese Patent No. JP09218038A to Timo et al. (hereinafter referred to as "Timo"). The applicant respectfully traverses the rejection.

Independent claim 1 is directed to a method for satellite positioning system (SPS) signal processing and recites a combination of elements, including, for example, "combining said first portion with common information in said second portion to improve the sensitivity of the SPS receiver; wherein said common information comprises data that is either repeated in time within the same received SPS signal or that is concurrently contained in more than one of the received SPS signals." It is submitted that the Examiner has not established *prima facie* obviousness.

It is well established that in order to establish a *prima facie* case of obviousness, the Examiner must meet three criteria. First, there must be some suggestion or motivation to modify the reference or combine the reference teachings, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. Second, there must be a reasonable expectation of success in the combination or modification. Third, the cited references must teach or suggest all claim limitations.

Applicant respectfully submits that the Examiner has not established that there is any suggestion or motivation to modify and combine the references. Furthermore, even assuming *arguendo* that such a suggestion or motivation is present, the references, either alone or in combination, fail to teach or suggest all claim limitations, and there is no motivation to modify the references in a manner that provides for the missing claimed features. Further, because there is no teaching or suggestion of all of the claim limitations, and there is no motivation to modify

the references, the Examiner also has not demonstrated that there would be a reasonable expectation of success.

With respect to the cited references, Murphy is directed to a decryption chip that is interconnected to a SPS, with the decryption chip being disabled in the event that the SPS indicates that the chip is not within a predefined radius of an expected location. Timo is directed to a surveying system that relies on multiple SPS receivers to more accurately determine the location of surveying marks.

It is submitted that the cited references provide no suggestion or motivation to combine the references as asserted by the Examiner. As mentioned above, Murphy is directed to the use of a decryption key in a broadcast system, and Timo is directed to the use of two or more SPS receivers/processors to accurately identify locations in a surveying system where different SPS receivers/processors are used in the surveying operation. Applicant fails to find any suggestion or motivation to modify the references in the manner described by the Examiner.

Even assuming, *arguendo*, that such motivation or suggestion is present, the cited references, individually or in combination, are devoid of any teaching of combining common information from different portions of a (narrowband) signal to improve the sensitivity of an SPS receiver, wherein the common information comprises data that is either repeated in time within the same received SPS signal or that is concurrently contained in more than one of the received SPS signals. In fact, the Examiner recognizes at paragraph 3 of the Office Action, that Murphy does not disclose common information as required by the claims. The Examiner cites Timo as teaching such common information, but fails to identify any portions of Timo that disclose the use of common information as claimed. As mentioned above, Timo is directed to a surveying system in which multiple SPS receivers/processors are used in determining positions of survey marks. Importantly, a reference receiver is placed at a known fixed coordinate position, and positional coordinates of the reference receiver are used to assist with the determination of positional information of a mobile receiver. Timo contains no disclosure of common information from SPS signals being used to improve SPS receiver sensitivity. Thus, Timo is devoid of any disclosure of combining a first portion of a narrowband signal with common information in a second portion of a narrowband signal to improve sensitivity of an SPS receiver, as required by the claim. In the event that the Examiner maintains the obviousness rejection, it is

respectfully requested that the Examiner particularly identify the portions of Timo relied upon for teaching the claimed common information, and the claimed use of common information.

Therefore, it is submitted that independent claim 1 is allowable for at least the reason that the cited references fails to describe common information, or combining common information to improve sensitivity of an SPS receiver, as claimed. Independent claims 16, 29, 43, 61, 66, 68, and 75 contain similar limitations as described with respect to claim 1, and it is submitted that these claims are also allowable for at least the same reasons as described with respect to claim 1. Dependent claims 2-3, 5,15, 17, 20-28, 31, 34-39, 44-60, 65, 67, 71-74, and 79-84 are similarly allowable at least because these claims contains the elements of respective independent claims from which they depend. These dependent claims may include one or more independent bases for patentability, and the right to assert any such basis in the future is reserved. Applicant therefore respectfully requests that the rejections of claims 1-3, 5-17, 20-29, 31, 34-39, 43-61, 65-68, 71-75, and 79-84 be reconsidered and withdrawn.

The Examiner has rejected claims 1-3, 5-17, 20-29, 31, 34-39, 43-61, 65-68, 71-75, and 79-84 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,963,582 to Stansell, Jr. or U.S. Patent No. 6,160,841 to Stansell, Jr. et al. in view of Timo. The applicant respectfully traverses the rejection. As described above, Timo is devoid of any disclosure related to common information as claimed. Stansell, Jr. or Stansell Jr. et al. are also devoid of any such disclosure. Accordingly it is submitted that these claims are allowable for at least similar reasons as described above. In the event that the Examiner maintains the obviousness rejection, it is respectfully requested that the portions of Timo relied upon for teaching the use of common information as claimed are particularly identified.

The Examiner has rejected claims 4, 18, 30, 31, 33, 40-41, 62-63, 69-70, 76, and 77-78 under 35 U.S.C. § 103(a) as being unpatentable over Murphy, Stansell, Jr. or Stansell, Jr. et al. in view of Timo and further in view of U.S. Patent No. 6,108,317 to Jones et al. The applicant respectfully traverses the rejection.

Each of these claims depends (directly or indirectly) from independent claims discussed above. As discussed above, the respective independent claims are allowable because the cited references, alone or in combination, fail to teach or suggest all of the claim elements as set forth

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above. In particular, none of the references, taken alone or in combination, teach or suggest combining a first portion or set of a narrowband signal with common information in a second portion or set to improve the sensitivity of an SPS receiver; wherein the common information comprises data that is either repeated in time within the same received SPS signal or that is concurrently contained in more than one of the received SPS signals. In fact, no common information as claimed is combined in any of the cited references, and no SPS receiver sensitivity is improved based on such combining. Therefore, it is submitted that dependent claims 4, 18, 30, 31, 33, 40-41, 62-63, 69-70, 76, and 77-78, are allowable for at least the same reasons as discussed with respect to the associated independent claims. These claims may include one or more independent bases for patentability, and the right to assert any such basis in the future is reserved. Therefore, applicant respectfully requests that the rejections of claims 4, 18, 30, 31, 33, 40-41, 62-63, 69-70, 76, and 77-78 be reconsidered and withdrawn.

The double patenting rejections

The Examiner has rejected claims 1-84 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 5,812,087 in view of Murphy. Applicant respectfully traverses the rejection. Similarly as described above, it is submitted that neither of the references teach or suggest common information, or the use of such common information, from narrowband signals as claimed. To the extent that any judicially created double patenting rejection remains, a terminal disclaimer will be submitted upon the indication of allowable subject matter to overcome this rejection.

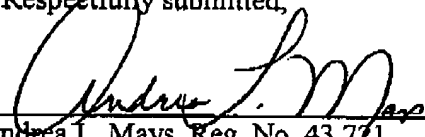
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**CONCLUSION**

Applicant respectfully requests that the Examiner reconsider the outstanding rejections and that these rejections be withdrawn. It is believed that a complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of the application, the Examiner is invited to telephone the undersigned at the number provided. Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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